

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

| | | |
|----------|------------------|--------------------------|
| Present: | Tom Boyajian | Councilmember |
| | Brian Calhoun | Councilmember |
| | Mike Dages | Councilmember |
| | Jerry Duncan | Councilmember |
| | Henry Perea | Acting Council President |
| | Cynthia Sterling | Councilmember |
| | Brad Castillo | Council President |

Dan Hobbs, City Manager
Jon Ruiz, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Cindy Bruer, Deputy City Clerk

City Manager Hobbs gave the invocation and led the Pledge of Allegiance.

SPCA PET OF THE MONTH – ACTING PRESIDENT PEREA

Lea Mitchum from the SPCA, showcased a 7-month old female gray cat.

PROCLAMATION OF “JAMES BRATTON DAY” – COUNCILMEMBER BOYAJIAN

Councilmember Calhoun also commended the remodeled home and improved landscaping.

PRESENTATION OF FRESNO AREA EXPRESS DRIVER APPRECIATION AWARDS

(Add-on) RESOLUTION OF COMMENDATION TO BEEF PACKERS, INC. – CITY MANAGER HOBBS

Presentations made.

APPROVE MINUTES OF OCTOBER 26, 2004

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the minutes of October 26, 2004, approved as submitted.

COUNCILMEMBERS REPORTS AND COMMENTS

PRESENTATION OF A GIFT TO COUNCILMEMBER BOYAJIAN – COUNCILMEMBER DUNCAN

Councilmember Duncan commended the Boston Red Sox for winning the World Series and presented a Red Sox baseball cap to Councilmember Boyajian, who has been a lifelong fan.

RESPONSE TO STAFF REPORT RECEIVED – COUNCILMEMBER CALHOUN

Councilmember Calhoun stated he had received the report dated December 5, from Finance Dept./City Manager's Office dealing with the City of Fresno Median Island and Buffer Program Maintenance and after reading the report, stated while people were working very hard, there were still no solutions to the problem. Councilmember Calhoun stated he would be bringing forth the issue to the Council at a later date.

REQUEST STAFF TO PREPARE RESOLUTION LIMITING THE CHAFFEE ZOO SPACE – COUNCILMEMBER DAGES

Councilmember Dages requested staff prepare a resolution to be presented at the November 30, 2004, Council meeting to limit the expansion at the Chaffee Zoo, with City Attorney Montoy stating the City Attorney's Office would prepare a policy dealing with the matter.

REQUEST STAFF REPORT ON PUBLIC SAFETY AT THE FRESNO INTERNATIONAL AIRPORT – ACTING PRESIDENT PEREA

Acting President Perea requested an update on public safety at the Airport with City Manager Hobbs stating the Director of Airports will present the update at the end of this calendar year. Airports Director Widmar added the City had retained Boyd Group as the consultant.

COMMENDATION TO BARBARA HUNT AND PUBLIC WORKS DEPARTMENT – COUNCILMEMBER STERLING

Councilmember Sterling recognized and commended Barbara Hunt on being elected to the West Fresno School Board and also recognized the Public Works Dept. for cleaning up Golden State Blvd and Church Avenue. Councilmember Sterling stated she recently returned from a trip to New York and stated Fresno is moving in the right direction as far as working on clean air vehicles and infill land development.

APPROVE AGENDA

(1-B) RESOLUTION - APPROVING THE SUMMARY VACATION OF PORTIONS OF THE RELINQUISHMENT OF ACCESS RIGHTS ALONG THE WEST SIDE OF MILBURN AVENUE NORTH OF HERNDON AVENUE – PUBLIC WORKS DEPT.

City Clerk Klisch advised the above entitled item was removed from the agenda by staff.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

| | |
|----------|---|
| Ayes : | Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo |
| Noes : | None |
| Absent : | None |

CONSIDER CONSENT CALENDAR:

Barbara Hunt, 2475 S. Walnut, spoke briefly on consent items 1T and 1E.

Councilmember Calhoun pulled Items 1A, 1P and 1S, and Councilmember Duncan pulled Item 1T.

ADOPT CONSENT CALENDAR:

(1-C) RESOLUTION NO. 2004-405 - DEDICATING CERTAIN CITY-OWNED PROPERTY FOR PUBLIC STREET PURPOSES, PROPERTY LOCATED AT THE CONVENTION CENTER PARKING LOT AT THE WESTERLY CORNER OF VENTURA STREET AND “O” STREET – PUBLIC WORKS DEPT.

(1-D) * APPROVE ACQUISITION OF EASEMENT FROM ST. REST MISSIONARY BAPTIST CHURCH ON FLORENCE AVENUE BETWEEN ELM AND IVY, AND DESIGNATE THE DEPARTMENT DIRECTOR TO SIGN ON BEHALF OF THE CITY – PUBLIC WORKS DEPT.

(1-E) - ADOPT A RESOLUTION OF INTENTION NO. R.I. NO. 1038-D TO VACATE A PORTION OF N. MARKS AVENUE SOUTH OF FREEWAY 99 AND SETTING THE PUBLIC HEARING FOR DECEMBER 7, 2004, AT 10:15 A.M. – PUBLIC WORKS DEPT.

(1-F) * RESOLUTION NO. 2004-206 – 6TH AMENDMENT TO SALARY RESOLUTION NO. 2004-213 RESCINDING THE THIRD AMENDMENT TO RESOLUTION NO. 2004-213 ENTITLED “A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO ESTABLISHING RULES FOR THE APPLICATION OF CITY EMPLOYEE COMPENSATION RATES AND SCHEDULES AND RELATED REQUIREMENTS AND ESTABLISHING COMPENSATION RATES AND SCHEDULES FOR FY 05” – PERSONNEL DEPT.

(1-G) * AWARD A CONTRACT TO T-3 ENGINEERING OF VISALIA, CA IN THE AMOUNT OF \$185,780 FOR THE BASE BID FOR INSTALLATION OF AN 8-INCH SEWER MAIN IN CORTLAND, GENTRY AND DAYTON AVENUES – GENERAL SERVICES DEPT./PUBLIC WORKS DEPT.

(1-H) * RESOLUTION NO. 2004-407 – 37TH AMENDMENT TO AAR NO. 2004-209 APPROPRIATING \$58,200 FOR THE FRESNO POLICE DEPARTMENT’S HOMELAND SECURITY GRANT PROGRAM (REQUIRES 5 AFFIRMATIVE 5 VOTES) – POLICE DEPT.

(1-I) RESOLUTION No. 2004-408 – AUTHORIZING ACCEPTANCE OF THE CALIFORNIA MULTI-JURISDICTIONAL METHAMPHETAMINE ENFORCEMENT TEAMS (CAL-MMET) 2004-2005 GRANT PASS THROUGH AWARD OF \$200,064 AND EXECUTION OF PROGRAM DOCUMENTS – POLICE DEPT.

(1-J) APPROVE THE 8TH AMENDMENT TO AGREEMENT WITH CAMP DRESSER & MCKEE (CDM) FOR \$234,000 FOR ENVIRONMENTAL ENGINEERING SERVICES RELATING TO GROUNDWATER REMEDIATION ACTIVITIES AT THE FRESNO SANITARY LANDFILL (FSL) SUPERFUND SITE, AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE AMENDMENT ON BEHALF OF THE CITY - PUBLIC WORKS DEPT.

(1-K) RESOLUTION NO. 2004-409 - OF INTENTION TO ANNEX FINAL TRACT NO. 5237 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 83, AND SETTING THE HEARING FOR NOVEMBER 30, 2004
AT
10:10 A.M. – PUBLIC WORKS DEPT.

(1-L) RESOLUTION NO. 2004-410 - OF INTENTION TO ANNEX FINAL TRACT NO. 5258 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 81, AND SETTING THE HEARING FOR NOVEMBER 30, 2004
AT
10:00 A.M. - PUBLIC WORKS DEPT.

(1-M) RESOLUTION NO. 2004-411 - OF INTENTION TO ANNEX FINAL TRACT NO. 5295 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 82, AND SETTING THE HEARING FOR NOVEMBER 30, 2004
AT 10:05 A.M. – PUBLIC WORKS DEPT.

(1-N) APPROVE R.G. PVC WELDING WITH PRO TECH COSTING, INC. AS SUBSTITUTION OF SUBCONTRACTOR FOR CONSTRUCTION OF LIFT STATION NO. 6 IMPROVEMENTS AT CHAMPLAIN DRIVE EAST OF PERRIN AVENUE – PUBLIC WORKS DEPT.

(1-O) RESOLUTION NO. 2004-412 – AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF GRANT FUNDS OF \$400,000 FROM THE DEPARTMENT OF HOMELAND SECURITY/FEDERAL EMERGENCY MANAGEMENT AGENCY AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS – FIRE DEPT.

1. * RESOLUTION NO. 2004-413 - 39TH AMENDMENT TO THE AAR, NO. 2004-209, APPROPRIATING \$400,000 IN METROPOLITAN MEDICAL RESPONSE SYSTEM MMRS GRANT FUNDS FROM THE DEPARTMENT OF HOMELAND SECURITY (DHS) (*REQUIRES 5 AFFIRMATIVE VOTES*)

(1-Q) RESOLUTION NO. 2004-414 – APPROVING THE FINAL MAP OF TRACT NO. 5136 AND ACCEPTING DEDICATED PUBLIC USES THEREIN; AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE, AND AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN – PLANNING AND DEVELOPMENT DEPT.

(1-R) APPROVE TRANSFER OF THE FRESNO YOSEMITE INTERNATIONAL AIRPORT OPERATOR LEASE OF CENTRAL CALIFORNIA FROM JEANETTE NISHIMORI TO BURGUNDY PARTNERS, LLC, WITH A 12-YEAR, 8-MONTH EXTENSION TO GIVE BURGUNDY PARTNERS A LEASE TERM OF 25-YEARS – AIRPORTS DEPT.

(1-U) * BILL NO. B-118 – ORDINANCE NO. 2004-117 - AMENDING CHAPTER 6, ARTICLE 12 OF THE FRESNO MUNICIPAL CODE REGARDING REGULATION OF PRIVATE PATROL OPERATORS – POLICE DEPT.

(1-V) * BILL NO. B-117 – ORDINANCE NO. 2004-118 – AMENDING THE TEXT AMENDMENT APPLICATION NO. TA-04-02 OF THE ZONING ORDINANCE OF THE FRESNO MUNICIPAL CODE AND ENVIRONMENTAL FINDINGS RELATING TO THE TEMPORARY WAIVER OF A UGM FIRE SERVICE DEVELOPMENT RESTRICTION – PLANNING AND DEVELOPMENT DEPT.

On motion of Acting President Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo |
| Noes | : | None |
| Absent | : | None |

(2A) APPROVE A HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM AGREEMENT BETWEEN THE CITY OF FRESNO AND SIERRA GATEWAY SENIOR RESIDENCE IN THE AMOUNT OF \$750,000 FOR THE CONSTRUCTION OF AFFORDABLE RENTAL HOUSING – PLANNING AND DEVELOPMENT DEPT.

Housing and Community Development Manager Sigala gave a brief review of the item and recommended approval. Ben Beckler, South Presbyterian Homes, stated the construction will begin in nine to ten months. Barbara Hunt, 2475 S. Walnut, stated the south side of Fresno was in need of a similar project and noted this was good for the seniors of our community.

Councilmember Sterling stated the project would be a nice improvement to the area as well as helping the seniors and made a motion to approve as recommended. The motion acted upon after brief comments by Councilmembers Calhoun and Boyajian.

Councilmember Calhoun commended all involved and spoke of his support for the project. **(2-0)** Councilmember Boyajian also stated his support, but expressed concern with the non-funding of the project after forty years with Mr. Sigala and Mr. Beckler stating there was no program for funding after 40 years since the project was non-profit, but added the funding would be for forty years, with the possibility of fifty-five years, with brief discussion ensuing regarding a voucher program.

On motion of Councilmember Sterling, seconded by Acting President Perea, duly carried, RESOLVED, the HOME Investment Partnerships (HOME) Program Agreement between the City of Fresno and Sierra Gateway Senior Residence in the amount of \$750,000 for a forgivable loan for the construction of 79 affordable rental housing units for seniors, hereby approved, by the following vote:

| | |
|----------|---|
| Ayes : | Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo |
| Noes : | None |
| Absent : | None |

PRESENTATION OF ORCHID AWARD TO ANN LEE – COUNCILMEMBER CALHOUN

Presentation made.

(9:15 A.M.) PUBLIC COMMENT PERIOD – UNSCHEDULED COMMUNICATION:

Donna DeWeese, 3873 E. Shields, expressed concern with a methadone clinic being established in a residential neighborhood at the corner of Shields Avenue and Millbrook, and discussed the problems with loitering due to the clinic being open from 6:00 a.m. to 2:00 p.m. and requested Council relocate the clinic.

President Castillo questioned what would be the legal ramifications if the City tried to close down the clinic with City Attorney Montoy stating ADA legislation prohibits methadone clinics from being treated any differently from other medical clinics, stated the loitering and crime which may occur can be dealt with by the criminal code enforcement. Planning and Development Director Yovino stated the property was properly planned, zoned and entitled for medical use at that location with brief discussion ensuing on the definition of loitering.

President Castillo requested staff attend the District 4 meeting on November 14, 2004, and requested Planning and Development provide the definition of loitering.

(2B) * RESOLUTION NO. 2004-415 – 41ST AMENDMENT TO AAR NO. 2004-209 APPROPRIATING \$150,000 AND RECOMMEND APPROVAL OF THE CITY PURCHASE OF 10.5 ACRES OF REAL PROPERTY FROM THE FRESNO IRRIGATION DISTRICT FOR THE DEVELOPMENT OF AFFORDABLE SINGLE FAMILY HOMES FOR A TOTAL PROJECT COST NOT TO EXCEED \$450,000 (REQUIRES 5 AFFIRMATIVE VOTES) – PLANNING AND DEVELOPMENT DEPT.

Housing and Community Development Manager Sigala gave a brief overview of the staff report, stated the Rental Rehabilitation Proposal appropriation needed additional funding to facilitate an affordable housing project and requested Council's approval.

Nathan Magsig, 2424 Sample Avenue, Clovis, stated C.U.R.E. has expressed an interest in the property and recommended approval. Also speaking in support was Barbara Hunt, 2475 S. Walnut.

Councilmember Boyajian expressed concern with the project not being presented to the Task Force, stated every housing project needed to go before the Task Force first with Mr. Sigala stating there was discussion with the Task Force in May, 2004, and added the project will go before HCDC and Council after the property has been purchased. Councilmember Boyajian questioned using rehabilitation money and stated the project was a good idea but wanted it go before the Task Force first.

Councilmember Dages questioned whether the project would go before the Task Force prior to any signing of a contract or construction with Mr. Sigala responding. A made a motion to approve staff's recommendation was acted upon after discussion.

Councilmember Duncan requested the issue be continued until November 30, 2004, to allow the project to be presented to the Task Force, and stated he would not support until the project went before the Task Force.

Councilmember Boyajian stated he could call a special meeting of the Housing Task Force, with Planning and Development Director Yovino recommending Council approve staff's recommendation subject to approval of the Housing Task Force, and if Task Force did not approve, it would have to be come before Council again.

After brief discussion, Councilmember Dages amended the original motion to include "subject to the approval of the Housing Task Force." City Attorney Montoy expressed concern regarding the Task Force, stating the committee was established through a motion and there were no resolutions adopted setting forth the purpose and noted the City Attorney's Office would be requesting to work with the Task Force to bring forth an resolution outlining the procedure and bylaws.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Resolution No. 2004-415 adopted, and the purchase of real property, 10.5 acres in southeast Fresno (APN 481-110-33T) from the Fresno Irrigation District (FID) for an appraised price of \$335,000 for the future development of an affordable single-family housing project with a total project cost not to exceed \$450,000, subject to the approval of the Housing Task Force, hereby approved, by the following vote:

| | |
|----------|---|
| Ayes : | Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo |
| Noes : | None |
| Absent : | None |

(2C) AUTHORIZATION TO PROCEED WITH ESTABLISHING A NEIGHBORHOOD ELECTRIC VEHICLE PILOT PROGRAM AND/OR OTHER LOW SPEED VEHICLES, AND THE DEVELOPMENT OF NEW LEGISLATION – FRESNO AREA EXPRESS

Transit Director Rudd reviewed the report and stated there are neighborhood electric and low-speed vehicles that can operate on City streets if those streets do not have posted speed limits that exceed 35 miles per hour, stated Traffic Engineering mapped out every street 's speed limit within the City and the analysis indicated that the majority of the City streets exceed the 35 miles per hours limit. Mr Rudd stated a map was included in the report that outlines corridors could be used as a low speed vehicle corridor that residents could go to and from work and noted the downtown area was an excellent place where electric and low speed vehicles could operate. Mr. Rudd stated in order to expand the use of the neighborhood for electric and low speed vehicles, legislation would have to be changed at both the State and Federal level, and work with Operation Clean Air to evaluate what changes have to be made for the use of electric and low speed vehicles. Mr. Rudd concluded by stating staff would move forward with a pilot program and put together a public information fact sheet on such vehicles, but stated staff wanted to see how many people were interested throughout the City, reviewed working with PG&E for the availability of charging facilities and stated it would cost approximately \$19,000 to install signs for the corridors.

Barbara Hunt, 2475 S. Walnut spoke in support of the issue.

Councilmember Calhoun commended staff for taking the additional time to research the issue and expressed his support.

(3-0) Councilmember Dages made a motion to approve staff recommendation which was voted upon after brief discussion and also recommended working with Gary McDonald to install hook-ups at his new developments for the electric cars' charging facilities.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, that the City of Fresno, in conjunction with Operation Clean Air (OCA), authorized to proceed with developing new legislation to be used to expand the use of Neighborhood Electric Vehicles and or other low-speed vehicles and to proceed with implementing a Neighborhood Electric Vehicle (NEV) pilot program, by the following vote:

| | |
|----------|---|
| Ayes : | Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo |
| Noes : | None |
| Absent : | None |

President Castillo recognized and welcomed government and civics students from Hoover High School.

10:00 A.M. PRESENTATION OF EMPLOYEE SERVICE AWARDS

Presentations were made and a reception was held immediately following.

(3A) REQUEST ON THE STATUS OF THE FORMER HILTON/HOWARD JOHNSON HOTEL – COUNCILMEMBER CALHOUN

Councilmember Calhoun stated downtown has become very busy and expressed concern with the Howard Johnson Hotel being vacant for a lengthy period of time, and requested a report as to whether the City can assist in restoring the building.

Interim Redevelopment Agency Executive Director Murphey briefly reviewed the history of the building, stated there were financial problems between the earlier investors but the building was now being marketed as a hotel and staff was currently working with a prospective buyer whose plan was to bring a well known franchise to Fresno. Brief discussion ensued regarding parking and the building sitting vacant for a period of time with Ms. Murphey stating the representatives of the owner will be meeting with City staff and interested Councilmembers shortly.

Barbara Hunt, 2475 S. Walnut, stated the City should purchase the building and refurbish it. Councilmember Sterling stated the City needed more space and Fresno does need a hotel due to many projects coming to Fresno, and recommended enforcing the code that deals with dangerous and vacant buildings to speed up the process of opening the Howard Johnson Hotel. No action taken.

(10:35 A.M.) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - CASE NAME: CITY OF FRESNO V. GARFIELD PARK HIGHLANDS, ET AL., L.P.; **CASE NAME:** A.H.D.C. V. CITY OF FRESNO, ET AL. ; **CASE NAME:** FRIENDS OF DICKEY PLAYGROUND, DALLAS D. DEBATIN V. CITY OF FRESNO, FRESNO CITY PLANNING COMMISSION (CHICANO YOUTH CENTER, REAL PARTY IN INTEREST)

(B) CONFERENCE WITH LABOR NEGOTIATOR – EMPLOYEE ORGANIZATION(S): INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW)

The City Council met in regular closed session in Room 2125 at the hour of 11:11 a.m. to consider the above issues.

LUNCH RECESS – 12:10 P.M. – 2:02 P.M. Councilmember Boyajian arrived at the meeting at 2:06 p.m. and Councilmember Dages arrived at 2:07 p.m.

CONTESTED CONSENT CALENDAR ITEMS:

(1-S) APPROVE AMENDMENT TO SECTION 3-1 (COMPENSATION) OF EXISTING AGREEMENT BETWEEN THE CITY OF FRESNO AND RENEE V. MAYNE, A SOLE PROPRIETORSHIP FOR LABOR NEGOTIATION SERVICES – PERSONNEL DEPT.

The above listed item continued to 11/30/2004 by staff.

President Castillo recognized and welcomed visitors from Kerman.

(1-A) RESOLUTION NO. 2004 – 416 - AUTHORIZING APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR A LOCAL GOVERNMENT PUBLIC EDUCATION AND AMNESTY DAY GRANT AND AUTHORIZING THE DIRECTOR OF THE PLANNING AND DEVELOPMENT DEPT. TO SIGN ON BEHALF OF THE CITY – PLANNING AND DEVELOPMENT DEPT.

1. * RESOLUTION NO. 2004-417 – 38TH AMENDMENT TO AAR NO. 2004-209 APPROPRIATING \$20,000 IN GRANT FUNDS FROM THE STATE OF CALIFORNIA INTEGRATED WASTE MANAGEMENT BUREAU TO CONDUCT PUBLIC EDUCATION AND AMNESTY DAY EVENTS (REQUIRES 5 AFFIRMATIVE VOTES)

Councilmember Calhoun spoke in support of the above item, but expressed concern with excess tires being turned in and also tires from County residents, with Code Enforcement Manager Villa stating the issue only applies to residences and explained the process that would take place and also noted Sacramento did this event last year and the City was learning from them. Discussion ensued regarding various ways to recycle tires with Councilmember Calhoun requesting staff to investigate further, possibly at the Federal level.

On motion of Councilmember Calhoun, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2004-416 and 2004-417, hereby adopted, by the following vote:

| | |
|----------|---|
| Ayes : | Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo |
| Noes : | None |
| Absent : | None |

(1-P) APPROVE THE PREPARATION AND SUBMITTAL OF A SECOND TIME EXTENSION, AS PROVIDED FOR UNDER SENATE BILL 1066, REQUESTING THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD TO ALLOW THE CITY OF FRESNO THE REMAINING EIGHTEEN MONTHS TO ACHIEVE THE REQUIRED 50% SOLID WASTE DIVERSION REQUIREMENT OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT – DEPT. OF PUBLIC UTILITIES

Councilmember Calhoun reviewed the City's requirement of 50 percent solid waste diversion and expressed concern that the City was at 31 percent after all its efforts and stated the City cannot reach 50 percent by December, 2005. He expressed concern with the low percentage being a major issue that needs to be very public to reach the 50 percent goal, stating otherwise the City would be charged \$10,000 per day.

Assistant Public Utilities Director Wiemiller reviewed the background of the issue and explained the difficulty with changing public behavior of recycling, flow control and how to work with other organizations, stating multi-family residential residents are more likely not to change their recycle behavior, reviewed commercial incentives, point of origin, discussed the challenge of the recycling efforts of AB 939, and noted the City did not begin full-hearted efforts until much later.

President Castillo questioned the blue bin program with Mr. Wiemiller stating the City is currently researching what businesses have large quantities of recycling material. Councilmember Duncan questioning why the City could not fine commercial businesses who do not comply with recycling and requested staff to bring back options to provide incentives for commercial businesses to recycle with Mr. Wiemiller responding.

A motion to approve staff recommendation was acted upon after brief discussion. **(4-0)** Public Utilities Director McIntyre stated a construction demolition ordinance will be introduced in the future that will make it mandatory for very heavy material to be recycled.

Councilmember Calhoun stated it was unacceptable for Fresno City College to not have a recycling program and requested staff look into, an action plan, adding a plan needed to be in place and a chart be created that staff held accountable for ensuring the recycling efforts increase 5% every quarter throughout the community.

City Manager Hobbs commended staff for their hard work and stated at Council's request, staff would bring back additional options and a menu of additional steps the City could take to strengthen the efforts.

President Castillo questioned the success rate of the City of Corcoran issuing tickets to people who did not recycle, stating nothing has come before Council to act upon and expressed concern with not reaching the 50 percent goal in one year. President Castillo stated he would not support the motion unless more options were provided to Council and requested an amendment be made the original motion to include direction for staff to provide more options to Council, which died due to a lack of a second.

Councilmember Calhoun reiterated the importance of looking into Fresno City College (FCC) to implement a recycling program with Mr. McIntyre stating he would meet with the FCC board.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the preparation and submittal of a second time extension requesting the California Integrated Waste Management Board allow the City of Fresno the remaining eighteen-months to achieve the required 50-percent solid waste diversion requirement of the California Integrated Waste Management Act, hereby approved, by the following vote:

| | |
|----------|---|
| Ayes : | Boyajian, Calhoun, Dages, Duncan, Perea, Sterling |
| Noes : | Castillo |
| Absent : | None |

(1-T) RESOLUTION NO. 2004-418 - AUTHORIZING MODIFICATION OF THE ENTERPRISE ZONE PROGRAM TO ALLOW ESTABLISHMENT, CHARGING AND COLLECTION OF STATE AND CITY FEES TO RECOVER COSTS OF PROVIDING VOUCHERING SERVICES – ECONOMIC DEVELOPMENT DEPT

2. * RESOLUTION NO. 2004-419 – 422ND AMENDMENT TO MFS RESOLUTION NO. 80-420 TO ALLOW CHARGING AND COLLECTION OF STATE AND CITY FEES TO REIMBURSE COSTS OF PROGRAM ADMINISTRATION

3. * RESOLUTION NO. 2004-420 – 36TH AMENDMENT TO AAR NO. 2004-209 APPROPRIATING \$47,200 TO ECONOMIC DEVELOPMENT DEPT. TO RECOVER COSTS ASSOCIATED WITH COLLECTING THE STATE OF CALIFORNIA'S NEW FEE FOR, AND PROVIDING VOUCHERING SERVICES TO BUSINESSES IN THE ENTERPRISE ZONE (REQUIRES 5 AFFIRMATIVE VOTES)

Councilmember Duncan expressed concern with the City charging people a total amount of \$20.50 when they submit an enterprise zone voucher due to the State instituting an additional \$10.50 for each voucher and made a motion to approve staff recommendation but delete the fee of the additional \$10.50, which was acted upon after brief discussion.

Economic Development Director Burkhardt reviewed various services the City had incurred to administer the State mandated program and stated there was a solid justification for the fee.

Councilmember Calhoun stated this was a huge benefit to businesses, and felt the cost was small for a big benefit and spoke in support of staff's recommendation.

A motion of Councilmember Duncan, seconded by Acting President Perea, adopt the above listed Resolutions, but delete the proposed additional local fee of \$10.50, failed adoption, by the following vote:

Ayes : Duncan, Perea
Noes : Boyajian, Calhoun, Dages, Sterling, Castillo
Absent: None

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, Resolution Nos. 2004-418, 2004-419 and 2004-420, hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Sterling, Castillo
Noes : Duncan, Perea
Absent: None

- - - -

(2:45 P.M. #1) HEARING TO CONSIDER REZONE APPLICATION NO. R-04-38 AND ENVIRONMENTAL FINDINGS, FILED BY GEORGE A. BURMAN ON BEHALF OF THE UNITARIAN UNIVERSALIST CHURCH, FOR 5.1 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF E. ALLUVIAL AVENUE BETWEEN N. CHESTNUT AND N. WILLOW AVENUES (*PROPERTY LOCATED IN DISTRICT 6*) – PLANNING AND DEVELOPMENT DEPT.

A. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-04-38/C-04-105, FINDING OF CONFORMITY TO THE 2024 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR NO. 10130)

B. BILL NO. B-119 – ORDINANCE NO. 2004-119 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE RR (RURAL RESIDENTIAL – COUNTY) ZONE DISTRICT TO THE R-1-A/UGM (SINGLE FAMILY RESIDENTIAL/URBAN MANAGEMENT) ZONE DISTRICT

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Gerster briefly reviewed the staff report and recommended approval. George A. Burman, applicant, stated the rezone was in the best interest of the neighborhood and also requested Council approval.

Speaking to the issue was Barbara Hunt, 2475 S. Walnut.

Upon call, no one else wished to be heard and President Castillo closed the public hearing.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the environmental finding of Environmental Assessment No. R-04-38/C-04-105, dated September 3, 2004, that the project conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130), hereby approved, and the above entitled Bill No. B-119 amending the subject property, adopted as Ordinance No. 2004-119, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

- - - -

(2:50 P.M.) HEARING TO CONSIDER REZONE APPLICATION NO. R-04-40 AND ENVIRONMENTAL FINDINGS, FILED BY DIRK POESCHEL, FOR 1.96 ACRES OF PROPERTY LOCATED ON THE SOUTH SIDE OF THE SAN JOAQUIN RIVER BLUFF EDGE BETWEEN N. MARKS AVENUE AND N. VAN NESS BOULEVARD (PROPERTY LOCATED IN DISTRICT 2) – PLANNING AND DEVELOPMENT DEPT.

A. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-04-40, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130)

B. BILL NO. B-120 – ORDINANCE NO. 2004-120 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE RR (RURAL RESIDENTIAL – COUNTY) ZONE DISTRICT TO THE R-1-A/UGM (SINGLE FAMILY RESIDENTIAL/URBAN GROWTH MANAGEMENT) ZONE DISTRICT

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Rodriguez briefly reviewed the staff report and recommended approval. Joe Guadliardo, 923 Van Ness, briefly reviewed the project and requested Council approval.

Speaking in opposition to the project were Jim Rendon, 7651 N. Cheryl, who filed letters of opposition, on file in the Clerk's Office, and stated he was not in opposition of the project, but did oppose the construction of the easement, noting only three people were notified of the easement and there were 12 residents involved; Greg Florer, 7605 N. Cheryl, stated there were several homes affected by the easement from Marks Avenue down to the subject property and the 20-foot wide easement was very difficult to maintain and said the City should look for another location for the easement; and Diana Navera, stated the noise from the traffic and dust of the easement would cause quite an inconvenience, and submitted an aerial map of the area with a new access for the easement, on file in the City Clerk's Office.

Upon call, no one else wished to be heard and President Castillo closed the public hearing.

(5-0) Councilmember Calhoun stated this was the first time he had heard of any problems, with Planning Manager Haro stating the rezone was from an earlier parcel and a condition was placed on the zoning that when the home would be built, the owners would be notified and have a chance to have an input, and that the easement would be fully paved to reduce problems.

Councilmember Calhoun expressed concern with the possibility of a lack of communication and wanted to work with the neighbors and questioned whether the matter could be laid over with Mr. Haro responding. Councilmember Calhoun requested clarification, with Mr. Guadliardo stating the neighborhood would be contacted again, the matter would go before the Bullard Community Implementation Committee and the Planning Commission with Mr. Haro concurring.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the environmental finding of Environmental Assessment No. R-04-40, dated August 24, 2004, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130), hereby approved, and the above entitled Bill No. B-120 amending the subject property adopted as Ordinance No. 2004-120, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo |
| Noes | : | None |
| Absent | : | None |

(2:45 P.M. #2) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 3:26 p.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF OCTOBER 19 AND 26, 2004

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, **RESOLVED**, the Agency minutes of October 19 and 26, 2004, approved as submitted.

A. RECOMMEND APPROVAL OF THE MID STATE BOWL REDEVELOPMENT PROJECT:

1. RESOLUTION NO. 2004-421/1654 - CONSIDER APPROVAL OF THE DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE RDA AND "MASTER DEVELOPER" NOYAN/FRAZIER PROPERTIES LLC. , AND SALE OF THE MID STATE BOWL PROPERTY AT THE SOUTHWEST CORNER OF CLINTON AND WEBER AVENUES (COUNCIL AND AGENCY ACTION)

Interim Executive Director Murphey gave an overview of the staff report and recommended approval.

Menat Noyan, 685 W. Alluvial, stated they were ready to move the project forward as soon as possible with Mr. Halsey concurring and thanked staff for their hard work .

Barbara Hunt, 2475 S. Walnut, spoke in support of the project.

Councilmember Duncan questioned the development schedule with Ms. Murphey responding. Councilmember Boyajian thanked everyone involved and stated the project will be a major benefit to the City.

On motion of Councilmember Duncan, seconded by Councilmember Boyajian, duly carried, **RESOLVED**, the above entitled joint Resolution Nos. 2004-421/1654, hereby adopted, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo |
| Noes | : | None |
| Absent | : | None |

B. CONSIDER MATTERS RELATING TO CHINATOWN EXPANDED REDEVELOPMENT PROJECT AREA AND THE SOUTH VAN NESS INDUSTRIAL REDEVELOPMENT PROJECT AREA, AND AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND FRESNO HISTORIC CHINATOWN LLC

1. CONSIDER APPROVING AN EXCLUSIVE NEGOTIATION AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND FRESNO HISTORIC CHINATOWN LLC CONCERNING A PROPOSED MIXED-USE REDEVELOPMENT PROJECT ON PROPERTY WITHIN THE CHINATOWN EXPANDED REDEVELOPMENT PROJECT AREA AND THE SOUTH VAN NESS INDUSTRIAL REDEVELOPMENT PROJECT AREA (AGENCY ACTION)

2. RESOLUTION NO. 2004-422 - AUTHORIZING THE INITIATION OF PLAN AMENDMENT PROCEDURES FOR AMENDMENTS TO THE CHINATOWN EXPANDED REDEVELOPMENT PLAN (COUNCIL ACTION)

3. DIRECT STAFF TO INITIATE CEQA REVIEW AND BEGIN PROCEDURES REGARDING FORMING A PROJECT AREA COMMITTEE IN CONNECTION WITH THE PROPOSED PLAN AMENDMENT FOR CHINATOWN EXPANDED REDEVELOPMENT PROJECT AREA, AND PREPARE ANY OTHER DOCUMENTS AND TAKE OTHER STEPS TO CARRY OUT THE AGENCY'S OBLIGATIONS UNDER THE EXCLUSIVE NEGOTIATING AGREEMENT (AGENCY ACTION)

Redevelopment Agency Project Manager Freeman, gave a brief overview of the staff report as submitted, and urged Council's support.

Tom Richard, representing Chinatown, thanked the Agency staff for their hard work and requested Council approval.

Barbara Hunt, 2475 S. Walnut spoke to the issue.

Councilmember Sterling thanked staff and the Chinatown Limited Corp. and stated the project would be a significant part of the history of Fresno.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, **RESOLVED**, the Exclusive Negotiation Agreement between the Redevelopment Agency of the City of Fresno and Fresno Historic Chinatown, LLC concerning a proposed mixed-use redevelopment project on property within the Chinatown Expanded Redevelopment Project Area and the South Van Ness Industrial Redevelopment Project Area, hereby approved, the above entitled Resolution No. 2004-422 hereby adopted, and staff directed to initiate CEQA review and undertake formation of a Project Area Committee for Chinatown Expanded Redevelopment Project Area and prepare any other documents and take other steps to carry out the Agency's obligations under the agreement, by the following vote:

| | |
|---------|---|
| Ayes : | Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo |
| Noes : | None |
| Absent: | None |

There being no further business to bring before the joint bodies, the hour of 3:42 p.m. having arrived, Chair Boyajian declared the joint meeting adjourned and the City Council reconvened in regular session.

BREAK – 3:43 P.M. – 3:52 P.M. Councilmember Dages arrived shortly thereafter.

(3:00 P.M.) REPORT AND RECOMMENDATIONS ON TRAFFIC SIGNAL IMPACT FEE INCREASE IMPLEMENTATION:

a. RESOLUTION NO. 2004-423 – 424TH AMENDMENT TO MFS RESOLUTION NO. 80-420 DECREASING THE TRAFFIC SIGNAL IMPACT FEE (FRESNO MUNICIPAL CODE 11-226) IN THE UGM AREA AND TO DECREASE THE TRAFFIC SIGNAL FEE IN THE NON-UGM AREAS APPROVED BY COUNCIL ON AUGUST 17, 2004 (PUBLIC WORKS DEPT RECOMMENDATION; ALTERNATIVE RECOMMENDATION COUNCILMEMBER DUNCAN)

b. BILLNO. B-121 - (For introduction) – AMENDING SUBSECTION 11-226 (D) AND SUBSECTION 11-226 (F) (9) OF THE FRESNO MUNICIPAL CODE RELATING TO CHARGES AND REIMBURSEMENTS RELATED TO TRAFFIC SIGNAL UGM FEES
C. DIRECTION TO STAFF ON METHODS TO MITIGATE FEE INCREASES FOR TARGETED AREAS (PUBLIC WORKS RECOMMENDATION; ALTERNATIVE RECOMMENDATION COUNCILMEMBER DUNCAN)

Interim Public Works Director Kirn gave an extensive review of the staff report as submitted, stated staff met with Economic Development Corporation, the Mayor's Task Force on Economic Development and conducted a nine city survey to see what those cities charged for current impact fees, which accomplished a significant portion of staff's direction. Mr. Kirn stated there were five areas where a consideration of the increase would be appropriate, elaborated on the various areas, explained how the increase would be phased in to those target areas, and urged approval of staff's recommendations.

Councilmember Duncan thanked staff for their hard work but expressed concern with the direction given to staff not being answered, stated there was no indication of any mitigating solutions and that the methods being proposed were financing methods only and not answers that would mitigate the impact of a fee, Councilmember Duncan discussed the letter he included in the

agenda packet with the option for the City to come up with a plan to fulfill the 2025 General Plan and recommended putting together a comprehensive City-wide infrastructure plan to fulfill the 2025 General Plan and stated a summit should be scheduled to receive input from the public and then begin to implement fees.

A motion to adjust the increase in traffic signal fees to only account for the increase in the cost of living; to direct staff to develop a comprehensive, City-wide infrastructure plan to accomplish the 2025 General Plan to include detailed identification of the need by area, full cost and financial plan for executing the plan, and upon completion of the draft of the infrastructure plan staff to convene the Fresno's 2025 General Plan Infrastructure Plan Summit to finalize the plan, and the summit to provide all interested parties the opportunity to see the plan and provide dialog and input, with the summit to take place no later than April 1, 2005, and adopt the ordinance that changes the signal fee to City-wide basis, was acted upon after extensive discussion.

(6-0) Councilmember Calhoun expressed concern regarding the above listed motion, felt it was not properly presented before the Council, stated staff brought back specific information in response to directions made by Council and the motion was not what the Council requested staff to do, with City Attorney Montoy recommending there be a global discussion of staff's recommendation and to also include the above motion. Councilmember Calhoun stated there needed to be more discussion and time, and emphasized he would not support the motion and strongly supported staff's recommendations.

Councilmember Sterling expressed concern with delaying the implementation of the fees, stressed the importance of taking an aggressive step and requested the redevelopment area be excluded with Mr. Kirn responding, stating the cost would have to be spread throughout other areas. Councilmember Sterling stated she would not support the motion if the redevelopment area and/or the "No Neighborhood Left Behind" areas could not be removed and would support staff's recommendation.

Councilmember Boyajian expressed concern with approving the 2025 General Plan because there was not a plan on how to implement the plan or how much money it would cost, and stated the Redevelopment areas should be exempt due to the importance of revitalizing downtown. Mr Boyajian stated developers should pay their own fees, and questioned how much a 400-lot subdivision would pay in fees with extensive discussion ensuing.

Planning and Development Director Yovino stated the fees should have been updated a long time ago, concurred with Councilmember Duncan's point, but expressed the need to move forward to pay for the General Plan with Mr. Kirn stating over the next six months the City of Fresno could lose \$6 million for traffic signals if the motion on the floor was approved.

City Manager Hobbs commended staff, stated he supported staff's recommendation and noted the City had only three options regarding infrastructure needed for new growth, namely either the new growth pays for the infrastructure, if the new growth does not pay for the infrastructure then the general taxpayer would pay, or the third option was that the infrastructure does not get built and elaborated.

Councilmember Duncan reiterated the importance of raising the fee a fair proportion based on the cost of living, the need to make the traffic signal fee City-wide and recommended directing staff to establish the fee as quickly as possible.

Councilmember Dages questioned the amount of money spent for construction of various areas of downtown and the amount of traffic fees the City has received with Mr. Kirn responding. Councilmember Dages stated he does not want homeowners in southeast Fresno to be held responsible for subsidizing buildings being built in other parts of the City, and spoke in support of staff's recommendation, with concurrence by Councilmember Sterling.

Councilmember Boyajian questioned whether both the motions could be combined with City Attorney Montoy stating part of the City-wide plan study that would be coming back in April could be made a part of the motion in support of staff's recommendation if the first motion fails. Councilmember Duncan expressed concern with not being presented with any alternatives for mitigating traffic signal fees which was the direction given to staff, with brief discussion ensuing.

(7-0) President Castillo thanked staff for their hard work, and stated all the fees should be presented before the Council to vote on.

A motion of Councilmember Duncan, seconded by Councilmember Perea, to increase the traffic signal fees to only account for the increase in the cost of living, direct staff to develop a comprehensive, City-wide infrastructure plan to accomplish the 2025 General Plan to include detailed identification of the need by area, the full cost and financial plan for executing the plan, and upon completion of the draft of the infrastructure plan, convene the Fresno's 2025 General Plan Infrastructure Plan Summit to finalize the plan, with the summit taking place no later than April 1, 2005, and the Bill changing the signal fees to a City-wide basis, failed, by the following vote:

| | |
|----------|----------------------------------|
| Ayes : | Boyajian, Perea, Duncan |
| Noes : | Brian, Dages, Sterling, Castillo |
| Absent : | None |

On motion of Councilmember Calhoun, seconded by President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2004-423, hereby adopted, the above entitled Bill No. B-121 introduced and laid over, staff authorized to phase in the traffic signal fees increase over a three year period for new development in the four Regional Job Initiative (RJI) areas, the downtown triangle area, and those projects that meet the "in-up-mixed use" criteria implementing the General Plan and affordable housing, and staff hereby directed to create a new community facilities district for the sole purpose of financing impact fees for new development in the four RJI areas, the downtown triangle area, those projects that meet the "in-up-mixed use" criteria implementing the general plan and affordable housing, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Dages, Sterling
Noes : Duncan, Perea
Absent : None

3:30 P.M. CONTINUED CONSIDERATION OF PLANNING COMMISSION DECISION REGARDING PLAN AMENDMENT APPLICATION NO. A-03-17 AND RELATED ENVIRONMENTAL FINDING

Continued to November 30, 2004 at 3:00 p.m.

(3:45 P.M.) CONTINUED HEARING TO CONSIDER REZONE APPLICATION NO. R-04-20, CONDITIONAL USE PERMIT APPLICATION NO. C-03-89, AND ENVIRONMENTAL FINDINGS, FILED BY LOGAN AND ASSOCIATES ON BEHALF OF SPALDING WATHEN, PERTAINING TO A 28.01-ACRE PARCEL OF LAND LOCATED GENERALLY ON THE SOUTHWEST CORNER OF W. ASHLAN AVENUE AND PARKWAY DRIVE (*PROPERTY LOCATED IN DISTRICT 1*) - PLANNING AND DEVELOPMENT DEPT.

a. CONSIDER AND ADOPT FINDING OF MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-04-20/C-03-89

b. RESOLUTION NO. 2004-424 – APPROVING CONDITIONAL USE PERMIT APPLICATION NO. C-03-89

c. BILL NO. B-122 – ORDINANCE NO. 2004-121 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE R-2/UGM/CZ (LOW DENSITY MULTIPLE FAMILY RESIDENTIAL/URBAN GROWTH MANAGEMENT/CONDITIONS OF ZONING) AND R-3/UGM/CZ (MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL/URBAN GROWTH MANAGEMENT/CONDITIONS OF ZONING) ZONE DISTRICTS TO THE R-2/UGM/CZ (LOW DENSITY MULTIPLE FAMILY RESIDENTIAL/URBAN GROWTH MANAGEMENT/ CONDITIONS OF ZONING) AND R-3/UGM/CZ (MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL/ URBAN GROWTH MANAGEMENT/CONDITIONS OF ZONING) ZONE DISTRICTS

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planning Manager Unruh review the staff report as submitted and recommended approval.

Speaking to the issue were: Monty Montemajni, of Logan and Associates, who presented more comments and features of the project and Spalding Wathen, developer, recommended approval.

Upon call, no one else wished to be heard and President Castillo closed the public hearing.

Councilmember Boyajian expressed concern regarding the fact an Environmental Impact Report was not done and stated it will soon be another Friant Road if projects keep being built in that area. He discussed at length the traffic study and read a portion of the staff report into the record: "Ashlan Avenue from Golden State Blvd. to Valentine needs to be widened from four to six lanes. Ashlan Avenue to Marks Avenue, install a right lane turn at all approaches and Valentine Avenue, Marks Avenue, widen northbound and southbound approaches to two lanes, one right turn lane and one left turn lane and widen eastbound approach to three lanes, one left lane and one right in turn". Councilmember Boyajian continued reading a portion of the report, stating: "The study goes further stating in the year 2006, the following mitigation measures are recommended: Ashlan Avenue from Golden State widen from four to six lanes, Ashlan Avenue, Marks Avenue, widen all approaches one lane, one left lane turn and three lanes". stressed the negative declaration has not been mitigated and the traffic impacts needed to be studied more and would not support the project.

Interim Transportation Manager Benevidez stated if six lanes were installed on Ashlan Avenue it would mean eliminating many homes and/or businesses on one or the other side of the street, explained the City was doing an Interchange Deficiency Study and will be submitting a grant proposal to continue the study which will identify the needs for the interchanges and also itemize the cost, and responded to questions.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, the environmental finding of a Mitigated Negative Declaration for Environmental Assessment No. R-04-20/C-03-89, dated April 28, 2004, that the project conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130), hereby approved, and the above entitled Bill No. B-122 amending the subject property adopted as Ordinance No. 2004-121, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : Boyajian
Absent: None

(4:00 P.M.) HEARING – TO CONSIDER REZONE APPLICATION NO. R-04-52 AND ENVIRONMENTAL FINDINGS, FILED BY HIGHLAND PARTNERS, INC., FOR THE DEVELOPMENT OF 9.71 ACRES OF PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. POLK AVENUE AND THE W. INDIANAPOLIS AVENUE ALIGNMENT **(PROPERTY LOCATED IN DISTRICT 2)** – PLANNING AND DEVELOPMENT DEPT.

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-04-52/T-5368, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR NO. 10130)

2. **BILL NO. B-123 – ORDINANCE NO. 2004-122** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE AE-5/UGM (*EXCLUSIVE FIVE ACRE AGRICULTURAL/URBAN GROWTH MANAGEMENT*) ZONE DISTRICT TO THE R-1/UGM (*SINGLE FAMILY RESIDENTIAL/URBAN GROWTH MANAGEMENT*) ZONE DISTRICT

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Rodriguez briefly reviewed the staff report and recommended approval.

Upon call, no one wished to be heard and President Castillo closed the public hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, the environmental finding for Environmental Assessment No. R-04-52/T-5368, dated September 27, 2004, that the project conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130), hereby approved, and the above entitled Bill No. B-123 amending the subject property adopted as Ordinance No. 2004-122, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : Boyajian
Absent: None

(4:05 P.M.) HEARING – TO CONSIDER REZONE APPLICATION NO. R-04-53 AND ENVIRONMENTAL FINDINGS, FILED BY HAROLD MANSELIAN, FOR 0.39 ACRES OF PROPERTY LOCATED ON THE SOUTH SIDE OF W. CLINTON AVENUE BETWEEN N. CHANNING WAY AND N. WEST AVENUE **(PROPERTY LOCATED IN DISTRICT 1)**

a. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-04-53/TPM-2004-17, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR NO. 10130)

b. **BILL NO. B-124 – ORDINANCE NO. 2004-123** – AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE R-P (*RESIDENTIAL AND PROFESSIONAL OFFICE*) ZONE DISTRICT TO THE R-1 (*SINGLE FAMILY RESIDENTIAL*) ZONE DISTRICT

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Salinas briefly reviewed staff report and recommended approval.

Upon call, no one wished to be heard and President Castillo closed the public hearing.

On motion of Councilmember Boyajian, seconded by Councilmember Sterling, duly carried, RESOLVED, the environmental finding for Environmental Assessment No. R-04-53/TPM 2004-17, dated September 29, 2004, that the project conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130), hereby approved, and the above entitled Bill No. B-124 amending the subject property adopted as Ordinance No. 2004-123, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent: None

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 5:39 p.m. having arrived and hearing no objections, President Castillo declared the meeting adjourned.

APPROVED on the _____ day of _____, 2004.

Brad Castillo, Council President

ATTEST:

Cindy Bruer, Deputy City Clerk

